

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.295 OF 2006
IN
CIVIL APPLICATION NO.1081 OF 2005
IN
SECOND APPEAL NO.609 OF 2005

Shri Ravindra Purshottam Kulkarni. ..Applicant.

V/s.

Shri Dilip Kanayo Tilwani. ..Respondent.

Mr.C.D.Konale for applicant.

CORAM: A.M.KHANWILKAR, J

DATE : FEBRUARY 21, 2006.

P.C. :

1. Heard.

2. The explanation offered is unacceptable. Merely because the advocate on record resides at Pune is no ground to contend that it was not necessary for the advocate on record to ensure that somebody would appear whenever matter is listed and taken up for hearing. However, as litigant should not suffer for the mistake of the advocate, application is allowed in terms of prayer clause (a) and (b) on condition that the advocate on record for the applicant shall personally pay costs to the High Court Legal Services Committee quantified at Rs.750/- within one week from

today, failing which office to proceed on the assumption that this application is dismissed for non-prosecution without further reference to the court.

3. Besides, paying costs, the applicant shall take steps to serve the concerned respondent in Civil Application No.1081 of 2005 by advocate's notice either personally and/or by courier and/or by speed post and/or by RPAD and/or by email and/or by fax and file affidavit of service, so that said civil application can become ready for hearing.